

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNIQUE PRODUCT SOLUTIONS, LIMITED C/O BDB
AGENT CO.,

Relator,

v.

OTIS PRODUCTS, INC. D/B/A OTIS TECHNOLOGY,
INC.,

Defendant.

Civ. Action No. 7:10-CV-1147
(GTS/GHL)

STIPULATIONS AND STIPULATED DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, Plaintiff/Relator Unique Product Solutions, Limited (“UPS”), acting on behalf of itself, as a member of the general public, and as a *qui tam* relator on behalf of the United States of America, and Defendant Otis Products, Inc. d/b/a Otis Technology, Inc. (“Otis”) jointly stipulate that UPS and Otis have executed a Settlement Agreement (the “Settlement Agreement”) resolving the claims asserted by UPS on behalf of itself, the United States of America (“United States”), and the general public, against Otis in the above-styled matter. UPS, the United States of America, the general public, and Otis are jointly referred to herein as the “Parties”.

The Parties further stipulate that any and all claims by UPS, on behalf of itself, as a member of the general public, and as a *qui tam* relator on behalf of the United States of America, regarding Otis’s alleged false marking or advertising or causing or contributing to false marking or advertising under 35 U.S.C. §292 (or any other federal statute) of any product manufactured or sold are fully resolved and hereby dismissed with prejudice.

The Parties further stipulate that to the extent that any other claims for false marking under 35 U.S.C. §292 exist against Otis, by or on behalf of the United States or the general public, such claims are hereby dismissed with prejudice.

The Parties further stipulate that any future litigation brought under 35 U.S.C. §292 or any other statute related to false marking or false advertising on behalf of the United States and/or the general public with regard to any existing product manufactured or sold by Otis is barred.

The Parties further stipulate that any future litigation brought against Otis under 35 U.S.C. §292 or any other statute related to false marking or false advertising on behalf of the United States and/or the general public with regard to U.S. Patent Nos. 3,526,126; 4,716,673; 6,640,480; 7,165,673; 7,356,961; D376,474; D480,207; D542,542; and D589,579 is barred.

The Parties further stipulate that Otis and those acting in concert therewith and/or selling products manufactured by Otis may have a reasonable period of time in which to sell inventory that has been manufactured on or before the date of this order without further liability.

The Parties further stipulate that compliance with the terms of the Settlement Agreement between the Parties fully resolves any issue, now or in the future, relating to the marking of products with U.S. Patent Nos. 3,526,126; 4,716,673; 6,640,480; 7,165,673; 7,356,961; D376,474; D480,207; D542,542; and D589,579.

Pursuant to the Settlement Agreement, the Parties stipulate that the claims asserted in this action are hereby dismissed with prejudice.

The Parties stipulate that UPS has the authority to act on behalf of the United States and the general public pursuant to 35 U.S.C. §292.

The Parties stipulate that UPS is in privity with the United States of America and the general public.

DATED: December 13, 2010

Respectfully submitted:

/s/ David J. Hrina

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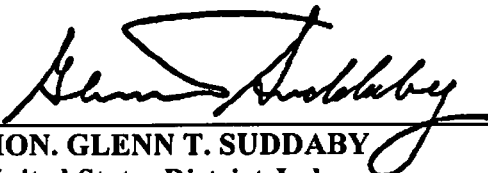
thoehner@cny-iplaw.com

**ATTORNEYS FOR OTIS PRODUCTS, INC. D/B/A
OTIS TECHNOLOGY, INC.**

SO ORDERED:

December 14, 2010

Syracuse, New York


HON. GLENN T. SUDDABY
United States District Judge